

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND
LIABILITY ACT (CERCLA)

14-14-D. Cost Recovery Non-Judicial Agreements and
Administrative Consent Orders

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to enter into or exercise Agency concurrence in non-judicial agreements or administrative orders for the recovery of costs of response.
2. TO WHOM DELEGATED. Regional Administrators.
3. LIMITATIONS.
 - a. For settlements where the total response costs at the facility exceed \$500,000 (excluding interest) and the settlement compromises a claim of the United States, Regional Administrators or their delegates must consult with the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee before exercising any of the above authorities, unless such consultation is waived by memorandum.
 - b. This authority does not include de minimis settlements under CERCLA Section 122(g).
 - c. This authority does not include referral of cost recovery claims for resolution by arbitration or representation of EPA at arbitration hearings, conferences and negotiations.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Branch Chief level.
5. ADDITIONAL REFERENCES.
 - a. Section 104, 107, and 122(h)(1) of CERCLA.
 - b. All applicable Agency guidance and directives.
 - c. Authority to enter consent orders for administrative actions is delegated in Delegation 14-14-C, "Administrative Actions Through Consent Orders."
 - d. Authority to refer cost recovery claims for resolution by arbitration and to represent EPA at arbitration hearings, conferences, and negotiations is delegated in Delegation 14-14-F, "Cost Recovery Arbitration."

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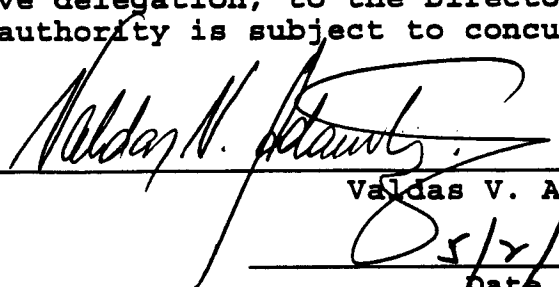
14-14-D. Cost Recovery Non-Judicial Agreements and
Administrative Consent Orders (Cont'd)

5. ADDITIONAL REFERENCES (cont'd).

e. Authority to enter into or exercise Agency concurrence authority in di minimis settlements under CERCLA Section 122(g) is delegated in Delegation 14-14-E, "De Minimis Settlements."

f. As required by Section 122(h)(1) of CERCLA, if total response costs at the facility exceed \$500,000 (excluding interest), the Agency may not compromise the claim without the prior written approval of the Attorney General.

I, Valdas Adamkus, Regional Administrator, Region 5, having been duly delegated the authorities set forth under this delegation, redelegate these same authorities and responsibilities, subject to the conditions and limitations set forth in the above delegation, to the Director, Superfund Division, Region 5. This authority is subject to concurrence by the Regional Counsel.



Valdas V. Adamkus
5/2/96
Date